

6867. **Livesay's drug products.** (F.D.C. No. 45933. S. Nos. 5-731/9 R, 79-341/8 R.)

QUANTITY: 9 cases, 12 16-oz. btls. each, of *laxative syrup*; 20 cases, 12 8-oz. btls. each, of *Formula No. 10*; 13 cases, 24 16-oz. btls. each, of *S & L Compound No. 25*; 4 cases, 12 4-oz. btls. each, of *antacid powder*; 101 cases, 12 8-oz. btls. each, of *diuretic and alkaline*; 20 cases, 6 16-oz. btls. each, of *Formula No. 150*; 13 cases, 12 16-oz. btls. each, of *Formula No. 161*; and 17 cases, 12 16-oz. btls. each, of *Alfatea*; at Pennington Gap, Va., in possession of Walter B. Livesay, t/a W. B. Livesay Products Co.

SHIPPED: Between 9-9-59 and 3-8-61, from outside the State of Virginia.

LABEL IN PART: (Btls.) "Livesay's Laxative Syrup," "Livesay's Formula No. 10 Bitter Tonic and Stomachic," "Livesay's S & L Compound Number 25," "W. B. Livesay's Antacid Powder," "Livesay's Diuretic & Alkaline," "Livesay's Formula No. 150 Stomachic," "Livesay's Formula No. 161 Analgesic," "Livesay's Alfatea Elixir with Sodium Salicylate and Iron."

LIBELED: 6-6-61, W. Dist. Va.

CHARGE: 502(f) (1)—while held for sale, the labeling of the articles failed to bear adequate directions for use for the purposes for which they were intended, namely, (*laxative syrup*) for the treatment of gallbladder trouble; (*Formula No. 10*) for the treatment of hepatitis, jaundice, and infection of the liver; (*S & L Compound Number 25*) for the treatment of liver troubles and gallstones; (*antacid powder*) for the treatment of bleeding ulcers of the stomach; (*diuretic and alkaline*) for the treatment of bladder trouble, pus in urine, and Bright's disease; (*Formula No. 150*) for the treatment of prostate gland trouble; (*Formula No. 161* and *Alfatea*) for the treatment of inflammatory rheumatism; which were the diseases, conditions, and purposes for which the articles were recommended in oral statements made by the dealer.

DISPOSITION: 8-10-61. Walter B. Livesay, claimant, having consented to the condemnation of the articles and to the entry of an injunction, a decree was entered condemning the articles and releasing them under bond to be brought into compliance with the law, and permanently enjoining the claimant against the doing of any act with respect to the above-mentioned articles or any similar articles, while held for sale after shipment in interstate commerce, which would result in such articles being accompanied by any written, printed, or graphic matter representing that the articles are adequate and effective for the diseases mentioned above or any other disease or condition of man. The claimant was further enjoined from holding for sale these or any similar articles which fail to bear in their labeling (1) all of the conditions, purposes, and uses for which such articles are intended to be used and for which they are represented, by any means, to the public; and (2) sufficient information to enable the layman to use the articles for such purposes safely, intelligently, and efficaciously.

6868. **Livesay's drug products.** (F.D.C. No. 46033. S. Nos. 5-728/30 R.)

QUANTITY: 16 cases, 6 16-oz. btls. each, of *Livesay's Stomachic and Alterative*; 24 cases, 12 16-oz. btls. each, of *Livesay's Formula B-W Tonic and Sedative*; and 30 cases, 12 16-oz. btls. each, of *Formula No. 99*, at Pennington Gap, Va.

SHIPPED: Between 8-27-59 and 3-24-61, from Greenville, S.C., by Table Rock Laboratories, Inc. (Libby, Edwards & Brown, Inc.).

LABEL IN PART: (Btl.) "Livesay's Stomachic and Alterative Each fluid ounce contains the extractives from: Prickley Ash Berries, Bay Berry Bark of Root, Sumac Berries, Black Ash Bark, Cayenne Pepper * * * Prepared For: W. B. Livesay Products Corporation, 1111 Joslyn, Pennington Gap, Va."; "Livesay's Formula B-W Tonic and Sedative Useful in diminishing the frequency of pulse, quieting irritation and allaying cough. Also valuable in hemorrhages, diarrhea and dysentery. Active ingredient: Bugle Weed Directions: * * * Caution: * * * Prepared for W. B. Livesay Products Co. Pennington Gap, Virginia"; and "Formula No. 99 Liquid Stomachic and Tonic Made From Natural Herbs * * * Contains: Extractions from Wild Cherry, White Poplar, Black Willow, and Red Dog Wood Barks, Wild Ginger, Barberry Root, Spignet, Calamus, Goldenseal, Sarsaparilla and Sassafras Root, Wintergreen. Directions * * * Prepared For W. B. Livesay Products Company, Pennington Gap, Va."

LIBELED: 6-24-61, W. Dist. Va.

CHARGE: *Livesay's Stomachic and Alterative*, 502(a)—when shipped, the label statements "Stomachic and Alterative" were false and misleading, since they implied that the article had therapeutic value which it did not have; and 502(f) (1)—the labeling of the article failed to state the specific conditions for which the article was intended to be used.

Formula No. 99, 502(a)—when shipped, the label statements "Stomachic and Tonic" were false and misleading, since they implied that the article had therapeutic value which it did not have; and 502(f) (1)—the labeling of the article failed to state the specific conditions for which the article was intended to be used.

Livesay's Formula B-W Tonic and Sedative, 502(a)—when shipped, the label statement "Tonic and Sedative," and other statements on the label, represented and suggested that the article was adequate and effective as a treatment for diminishing the pulse, quieting irritation, allaying coughing, hemorrhages, diarrhea, and dysentery, which statements were false and misleading, since the article was not a tonic or sedative, and was not adequate and effective as a treatment for such conditions or for such purposes.

DISPOSITION: 1-5-62. Default—destruction.

6869. Flu Caps capsules. (F.D.C. No. 46030. S. No. 17-132 R.)

QUANTITY: 1 drum, containing 25,000 capsules, and 77 display ctns., each ctn. containing 12 btls. of 12 capsules each, at Indianapolis, Ind., in possession of Briggs Laboratory.

SHIPPED: 10-27-60, from Baudette, Minn.

LABEL IN PART: (Drum) "Special formula capsules * * * Each capsule contains not less than: Strontium Salicylate (4 gr.) 256 mg. Aspirin (4 gr.) 256 mg. Phenacetin (2.5 grs.) 150 mg. Caffeine (¼ gr.) 16 mg. Capsicum Powder (¼ gr.) 16 mg. * * * Briggs Laboratory, 2428 Broadway Indianapolis, Indiana"; (btl.) "FLUCAPS * * * Briggs' Special Formula * * * Briggs' Lab. Products Co. * * * Active Ingredients"; and (display ctn.) "Flu Caps Special Formula * * * Briggs Laboratory Products Co. Indianapolis."

RESULTS OF INVESTIGATION: The article in the display cartons was repacked and labeled by the dealer from bulk stock shipped as described above. The dealer also had on hand a number of empty display cartons and empty bottles.